IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.350 OF 2007

Cruz Michael Mariadas ...Appellant
Versus
M.C.G.M. & Anr. ...Respondents

Shri J.G.Shukla i/by M/s.G.H.Shukla & Co for the Appellant.
Ms Geeta Jogalekar for the Respondent No.1.
Shri A.S.Khatib for the Respondent No.2.

CORAM : ABHAY S.OKA, J.
DATED : MAY 04, 2007.

P.C.:

1. Heard Advocates appearing for the parties. After arguing the Appeal for some time, the learned Advocate for the Appellant on instructions of the Appellant states that he is unconditionally withdrawing the suit and Appeal. He, however, submits that a liberty may be granted to the Appellant to apply for regularisation of the offending structure. He prays that for a limited time, the suit structure may be protected so that he can apply for regularisation. I have heard the Advocates appearing for the Respondents.

2. Appeal is disposed of by passing following order:

(i) Appeal From Order and L.C.Suit No.67 of 2006 stand dismissed as withdrawn.

(ii) If an Application is made by the Appellant to

the concerned authority of the first Respondent-Corporation for regularisation of the suit structure within a period of six weeks from today, the same shall be decided by the concerned authority within a period of eight weeks from the date of filing of the Application. The order passed on the Application shall be communicated by the first Respondent to the Appellant within one week from the date of passing the order.

(iii) In case an Application for regularisation is made within six weeks from today, the first Respondent will not take action of demolition for a period of twenty weeks from today. In case the Application is not made within the stipulated time, it will be open for the first Respondent to take action of demolition on expiry of period of six weeks.

(iv) The Application for regularisation will be decided on its own merits.

(v) The trial Court will pass a formal order on the suit in terms of this order on receipt of the writ of this order.

(vi) Parties to act upon an authenticated copy of

this order.

JUDGE